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## PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

915-007.141

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on June 20, 2008

Signature 

Typed or printed name Lissette Ramos

Application Number

10/534,012

Filed

May 5, 2005

First Named Inventor

Santtu NAUKKARINEN, et al.

Art Unit

2618

Examiner

Tu X. NGUYEN

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.  
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.  
(Form PTO/SB/96)

☒ attorney or agent of record. 27,550  
Registration number

☐ attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 \_\_\_\_\_

  
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June 20, 2008

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☒ \*Total of ONE forms are submitted.

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PATENT  
Attorney Docket No. 915-007.141

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Of:

**Santtu NAUKKARINEN, et al.**

Confirmation No.: **8466**

Application Serial No.: **10/534,012**

Group/Art Unit: **2618**

Filing Date: **May 5, 2005**

Examiner: **Tu X. NGUYEN**

Title: ***Mobile Electronic System***

Commissioner of Patents  
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P.O. Box 1450  
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**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

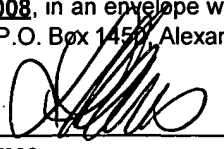
Sir:

This Request for Review is filed in response to the final Official Action of February 21, 2008 and the Advisory Action of March 13, 2008.

Claims 1-25 were examined by the Office and claims 1-25 were rejected. Applicant respectfully requests review of the final rejection of the claims in view of the following discussion.

The Office is believed to have committed clear error by failing to establish that the cited references, Levine, et al and Ellenby, et al, alone or in combination anticipate or suggest each of the claims of the present application. This Pre-Appeal Brief Request for Review is being submitted with a Notice of Appeal.

I hereby certify that this communication is being deposited with the United States Postal Service today, **June 20, 2008**, in an envelope with sufficient postage as first-class mail addressed to the Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
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Lissette Ramos

## **REMARKS**

### **Overview of the Present Invention**

The present invention as seen in Figures 1-3 is directed to an apparatus, such as a mobile electronic system, which is able to process data indicative of the current posture of the apparatus for enabling a posture related presentation of information to a user via output components (e.g., display 12), wherein the processing includes selecting at least one of at least two different modes of presentation based on the data indicative of the current posture of the apparatus. Thus, in Figure 1, a first mode of presentation is shown (sometimes referred to as a “traditional compass” presentation); when the apparatus is aligned basically horizontally. A second mode of presentation is seen in either Figure 2 (a “marine compass” presentation) or Figure 3 (a simple arrow-based mode of presentation), that is selected when the apparatus is not aligned basically horizontally.

In short, the posture of the apparatus itself is used for determining the mode of presentation of information which is provided by that apparatus.

### **Claim Rejections Under 35 USC §102**

Claims 1-10 and 14-25 are rejected under 35 USC §102(e) as anticipated in view of US patent application publication 2003/0135327, Levine, et al (hereinafter Levine). The Office asserts that Levine discloses an apparatus comprising at least one processing component configured to process data indicative of the current posture of the apparatus for enabling a posture-related presentation of information to a user via an output [component], said processing including selecting one of at least two different modes of presentation based on said data. The Office makes specific reference to Figure 1, element 110, and paragraph [0073] of Levine.

Claim 1 requires that one of at least two different modes of presentation is selected based on data indicative of the current posture of an apparatus for enabling a posture related presentation to a user. As explained above, this is seen in the embodiment of the invention illustrated in Figures 1-3. The Office fails to show any disclosure in Levine that makes a link between available “data indicative of the current posture of an apparatus” and a “selection of a mode of presentation” as required by claim 1. Paragraph [0073] of Levine discloses a low-cost navigation system comprising an inertial navigation system

(INS) and a global positioning system (GPS) receiver. Levine discloses evaluating data from different data sources, including a 3-Axis magnetometer, but this evaluation is only performed for “selecting and extrapolating only the best from each of the individual data sources, ...” (Levine, paragraph [0073], lines 13-15). Thus, the data indicative of the current posture of an apparatus is only disclosed so as to be used for selecting at least one of different data sources. There is no disclosure and no suggestion that the data from the 3-Axis magnetometer could be evaluated for selecting one of at least two different presentation modes.

Furthermore, in response to the Response to Arguments section, the Office contends that the claim limitations do not exclude user selection of the presentation of information. Applicant respectfully disagrees. Claim 1 states: “said processing including selecting one of at least two different modes of presentation based on said data” where the data is “indicative of the current posture of said apparatus for enabling a posture related presentation of information to a user via an output component”. Thus, claim 1 does not encompass user selection of the mode of presentation, but rather requires the mode of presentation to be based upon the data which in turn is indicative of the current posture of said apparatus. Therefore, it is respectfully submitted that user selection of a mode of presentation is not encompassed in claim 1.

Although not specifically relied upon by the Office in the final Official Action, paragraph [0102] of Levine, which recites selection of one of different operational modes by a user via a keypad, does not anticipate or suggest claim 1. Thus, in paragraph [0102] of Levine, keypad 210 “may be used to select from various operational modes, enter or select waypoints and routes, select map scale, security code, flight and/or tail number, etc.” (Levine, paragraph [0102], lines 8-11). Even this user selection does not disclose selection of operational modes based on “data indicative of the current posture of an apparatus” as required by claim 1. Therefore, user selection of an operation mode is not anticipatory or suggestive of a processing component selecting one of at least two different modes of presentation based on data which in turn is data indicative of the current posture of said apparatus.

Furthermore, in paragraph [0082] of Levine, it is stated that map information “may be visually shown on a moving map display” (Levine, paragraph [0082], line 9), but this

only relates to a single mode of presentation and therefore does not disclose or suggest a selection of one of different modes of presentation based on data indicative of the current posture of an apparatus as required by claim 1.

Finally, paragraph [0104] of Levine cited in the Advisory Action discloses two-dimensional and three-dimensional displays that are user selectable. However, such user selection is clearly not related to any data indicative of the current posture of the craft in which the system of Levine is implemented.

It is therefore respectfully submitted that claim 1 is not anticipated or suggested by Levine.

Independent method claim 15, independent mobile electronic system claim 24, and independent apparatus claim 25 all recite features corresponding to those set forth in claim 1 and for similar reasons are not anticipated by Levine.

Dependent claims 9-10, 14, and 16-23 are also not anticipated by Levine at least in view of such dependency.

### **Claim Rejections - 35 USC §103**

At pages 7-8, claims 11-13 are rejected under 35 USC §103 as unpatentable over Levine in view of US patent application publication 2002/0140745, Ellenby, et al (hereinafter Ellenby).

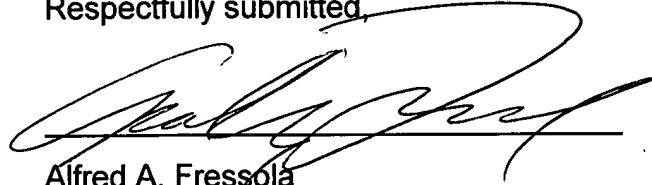
Claims 11-13 all ultimately depend from claim 1 and are believed to be allowable at least in view of such dependency.

### **Conclusion**

The rejection of the final Official Action having shown to be inapplicable, withdrawal thereof is requested and passage to issue of the present application is earnestly solicited.

The undersigned hereby authorizes the Commissioner to charge deposit account 23-0442 for any fee deficiency required to submit this response.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Alfred A. Fressola', written over a horizontal line.

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Dated: June 20, 2008

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